

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF CASA MARIA HOUSING CORPORATION FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION FORMED UNDER M.G.L. CHAPTER 180, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CORPORATION UNDER SAID CHAPTER 121A

A. The Hearing. A public hearing was held at 2 p.m. on July 6, 1978, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application, dated June 6, 1978, (hereinafter called the "Application"), filed by Casa Maria Housing Corporation, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on June 20, 1978, and June 27, 1978, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K.

Flaherty and James E. Cofield, Jr., members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of .55 acres of vacant land owned by The Church of St. Mary of The Sacred Heart, in the North End of Boston, Massachusetts, bounded by Endicott, Cooper, Thacher and Lynn Streets. A full metes and bounds description is contained in the Application. The Project consists of the purchase, construction, operation and maintenance by the Applicant of seventy-five (75) units of housing for low-income elderly and handicapped persons in the Project Area. Approximately one (1) of the units will be an efficiency unit, sixty-nine (69) will be one-bedroom units and approximately five (5) will be two-bedroom units. The appurtenant facilities will include community spaces, commercial space, a laundry room, landscaping and open off-street parking for approximately fifteen (15) cars.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, arguments and statements made at the hearing, and additional statements submitted subsequent to the hearing.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does, for the purchase, construction, operation and

maintenance in a blighted, open, decadent or substandard area of a decent, safe and sanitary residential building and appurtenant facilities.

D. Project Area. The Project Area is located in what is defined in the City's Master Plan as the Cove Area of Boston and in the opinion of the Applicant is presently a blighted open and decadent area as defined in Chapter 121A, detrimental to the safety, health, morals, welfare and sound growth of the community by virtue of the dust, broken glass and litter throughout. The Project Area's existence as an ill-maintained site has created a potential breeding ground for delinquency and crime which is a further detriment to the morals and welfare of the community. By reason of the Project Area's close proximity to family housing, the Project Area threatens the continued stability of the surrounding neighborhood.

The Project Area contains unsuitable soil; namely, concentrations of peat, which necessitates unduly expensive foundations and caskets. The Church, which previously stood on the project site, incurred serious structural damage due to settling caused by these conditions. The project area is detrimental to the community by reason of its cost to the City. Presently the Project Area is owned by The Church of St. Mary of The Sacred Heart, a non-profit religious corporation and only minimal real estate taxes are generated by the Project Area.

The Project is detrimental to the sound growth of the community due to its narrow width and due to the height of adjacent buildings.

Directly across from the Lynn Street side of the Project Area is a commercial structure known as 77 North Washington Street with an approximate height of 114 feet. Because of this building's height and massing, reuse of the Project Area in a manner which minimizes these adverse effects results in a massing design and floor plan which are extraordinarily expensive to construct. A large number of the dwelling units in the proposed Project run off of a single-loaded corridor (i.e., dwelling units on only one side of the central hallways) in order to provide the Project with an adequate setback from this nearby structure and thereby minimize its adverse effect. If the massive structure beside the Project Area were not present or if the Project Area were not so narrow, a normal double-loaded corridor design would have been possible and the design of the proposed Project would not have to incur these extreme architectural and financial constraints.

It is improbable that the conditions causing the present blight and deterioration could be corrected by the ordinary operation of private enterprise and without the aids available under G.L. Chapter 121A as is evidenced by the requirement of the mortgage lender in Appendix 5 to the Application, that the real estate taxes be limited to contain percentages of the project's estimated gross annual income, which percentage levels can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying

out of the Project in accordance with Chapter 121A and the proposal constitutes a "project" within the meaning of that statute.

For these reasons it is found that the Project Area is a blighted open area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. Appendix 6 of the Application sets forth the Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, section 10. During construction, the owner will pay \$15,000. After completion, ten percent (10%) accelerating to twelve percent (12%) in the third year, and one percent (1%) every third year to a maximum of fifteen percent (15%), all based on substantial general increases in real estate taxes.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is approximately Two Million Seven Hundred Ninety-seven Thousand (\$2,797,000.00) Dollars. The Applicant has received a conditional commitment from HUD for 100% construction and permanent financing of the total cost of the Project, as

determined by HUD, pursuant to Section 202 of the Housing Act of 1959.

The Applicant will pay interest on the construction loan at the estimated rate of 7 3/4%, while the rate of interest on the permanent loan will be 6 7/8% for forty (40) years.

The Project will be assisted by rental assistance under Section 8 of the U.S. Housing Act of 1937, as amended, for 100% of the units. Under the Section 8 Program, HUD pays that amount of the fair market rent for an apartment that exceeds 25% of the tenant's income.

The Project will be undertaken by a charitable, non-profit corporation, Casa Maria Housing Corporation. The Application contains the Corporate Articles of Organization, illustrating the corporate purposes and structure. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be constructed under the Project has been reviewed by the Design Review Staff of the Authority and is subject to further design review should the proposed design change in any way. The Authority finds that

this Project will enhance the general appearance of the Area and furnish attractive and necessary landscaping.

The carrying out of the Project will not involve the destruction of any existing structures as the site is presently a vacant lot and therefore involves no dislocation of any persons from their apartments.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 6 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Project must comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Atmospheric Pollution and Regulations for the Control of Noise during all phases of construction activities.

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.

4. The Project does not affect the potential use, extraction or conservation of a scarce natural resource.
5. The Project Area is urban and therefore does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code and the Building Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.
13. The Project does not affect an area of important scenic

value. The Project does affect an area with significant architectural attributes, but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority's staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations so long as the Project complies with the City of Boston Air Pollution Control Commission's Regulations for the Control of Atmospheric Pollution and Regulations on the Control of Noise during all phases of construction activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Appendix Item #16, filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those herein-after adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix Item #16, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the

Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Appendix Item #10 filed with and attached to the Application lists the zoning and building deviations. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby finds that the attached zoning deviations, attached hereto and incorporated by reference as Exhibit A, are necessary for the carrying out of the total project and therefore granted without substantially derogating from the intent and purposes

of the applicable laws, codes, ordinances and regulations, respectively.

K. Duration of Period of Tax Exemption. In addition to the base term of fifteen (15) calendar years for the Project's period of tax exemption, pursuant to the provisions of section 10 of Chapter 121A, as amended by Chapter 827 of the Acts of 1975, the Authority hereby determines that the Project shall be entitled an extension of twenty-five (25) years beyond the base period. This determination is based upon the fact that the Applicant's Project is financed and subsidized under Federal programs to assist the construction of low-income housing.

L. Decision. For all of the reasons set forth in the foregoing report, The Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960.

EXHIBIT A

APPENDIX ITEM #10

CASA MARIA HOUSING FOR THE ELDERLY

ZONING DEVIATIONS REQUIRED

OWNER/DEVELOPER: Casa Maria Housing Corporation

LOCATION: Block in North End of Boston bounded by Cooper, Endicott, Thacher and Lynn Streets.

NUMBER OF UNITS: 75 Residential units, and approximately 2,600 square feet of commercial space, occupancy of which shall be limited to those use categories of the Zoning Code which are allowed uses in this zone.

SOURCE OF FUNDING: HUD Section 202 Program

ARCHITECT: Stephen Tise

USE DEVIATIONS REQUIRED: None

DIMENSIONAL DEVIATIONS REQUIRED:

1. Usable Open Space per Dwelling Unit
 - a. Open Space Required = 7,500 square feet
 - b. Open Space Provided = 5,850 square feet (deviation required)
2. Minimum Depth of Front Yard (Endicott Street)
 - a. Required Depth = 15 feet
 - b. Depth Provided = 3 feet (deviation required)
3. Minimum Side Yard Depth (Thacher and Cooper Streets)
 - a. Required Depth = 7.5 feet
 - b. Depth Provided:
- Cooper Street - 0 feet (deviation required)
- c. Note: Applicant proposes to erect a fence approximately six feet in height along a portion of the side yard along a portion of Cooper Street. Since no side yard is provided on Cooper Street, no additional deviation for the fence is required.

4. Minimum Depth of Rear Yard (Lynn Street)

- a. Required Depth = 10 feet
- b. Depth Provided = 0 feet (deviation required)

c. Note: Applicant proposes to erect a fence approximately six feet in height along the rear lot line. Since a deviation is required for that portion of the building which abuts the rear lot line, this deviation should apply to the proposed fence also.

5. Minimum Setback of Parapet (Lynn Street).

- a. Required Rear Depth = 4 inches

$$\frac{H + L}{6} \quad \frac{64(H) - 22.5 (21-2a))^{(L)} 28}{6} = \text{setback}$$

$$\frac{69.5}{6} = 11.58$$

11.58 - 10 (See Section 21-1 of Code) = 1.58 feet
(deviation required)

- b. Rear Depth Provided = 0

- c. Required Front Depth = 0-12 feet (variable)

- d. Front Depth Provided = 0 (deviation required)

6. Traffic Visibility Across Corner (Section 18-3)

- a. Interference with traffic visibility allowed by Code at each corner of proposed building - 0

- b. Interference proposed - as per final plans for proposed building (deviation required at three corners of building; none required at corner of Lynn St. and Thacher St.)

7. Off Street Parking

- a. Residential Use = 45 spaces

- b. Residential Spaces Provided = 15 spaces (deviation required)

MEMORANDUM

July 27 1978

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: KANE SIMONIAN, SECRETARY

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A
APPLICATION OF CASA MARIA HOUSING CORPORATION

On July 6, 1978, the Authority conducted a public hearing with respect to the above-captioned Application. At that meeting the Board heard a presentation by the Applicants.

The Project consists of the acquisition of the site from The Church of St. Mary of The Sacred Heart and the construction of 75 units of housing for low-income elderly and handicapped persons. All of the units will receive Section 8 rental assistance.

The staff has examined the application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate vote follows:

VOTED: that the document presented at this meeting entitled, "Report and Decision on the Application of Casa Maria Housing Corporation for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried out by a Charitable Corporation Formed under Massachusetts General Laws, Chapter 180, and Approval to Act as an Urban Redevelopment Corporation under said Chapter 121A," be and is hereby approved and adopted.

